

HOUSE BILL NO. 528

INTRODUCED BY KOOPMAN, PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING SEASONAL RESTRICTIONS ON THE BEER AND WINE LICENSE FOR THE YELLOWSTONE AIRPORT; IMPOSING AN ANNUAL FEE OF \$400 ON THE LESSEE OF A RETAIL BEER AND WINE LICENSE AT THE YELLOWSTONE AIRPORT; AMENDING ~~SECTION~~ SECTIONS 16-4-304 AND 16-4-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-304, MCA, is amended to read:

"16-4-304. ~~Seasonal beer~~ Beer and wine license for Yellowstone airport. (1) Upon application, the department of revenue shall issue a retail beer and wine license to the Yellowstone airport, which is an airport near West Yellowstone, Montana, owned by the state of Montana and operated by the department of transportation.

(2) The application must be made by the department of transportation. The department of transportation may lease the license of use at the airport to an individual or entity approved by the department of revenue.

(3) The license is valid for the retail sale of beer and wine ~~from June 1 to October 1 of each year.~~

(4) ~~There is no annual fee for the license~~ THE LESSEE SHALL PAY TO THE DEPARTMENT OF REVENUE AN ANNUAL LICENSE FEE AS PROVIDED IN 16-4-501.

(5) The license issued pursuant to this section:

(a) is not subject to the quota provisions of 16-4-105;

(b) is nontransferable;

(c) does not permit gambling activities otherwise allowed under Title 23, part 5."

SECTION 2. SECTION 16-4-501, MCA, IS AMENDED TO READ:

"16-4-501. License and permit fees. (1) Each beer licensee licensed to sell either beer or table wine only, or both beer and table wine, under the provisions of this code, shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale

1 within the state, \$500;

2 (ii) for each storage depot, \$400;

3 (b) (i) each beer wholesaler, \$400; each domestic winery producing more than 25,000 gallons of wine,
4 \$400; each domestic winery producing 25,000 gallons or less of wine, \$200; each table wine distributor, \$400;

5 (ii) for each subwarehouse, \$400;

6 (c) each beer retailer, \$200;

7 (d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer
8 license;

9 (ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in
10 conjunction with beer, \$200;

11 (e) any unit of a nationally chartered veterans' organization, \$50.

12 (2) The permit fee under 16-4-301(1) is computed at the following rate:

13 (a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests,
14 other than those applied for pursuant to 16-4-301(1)(c); and

15 (b) \$1,000 a season for professional sporting contests or junior hockey contests held under the
16 provisions of 16-4-301(1)(c).

17 (3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale
18 of all alcoholic beverages.

19 (4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee
20 in the sum of \$300.

21 (5) The annual license fee for a license to sell wine on the premises, when issued as an amendment
22 to a beer-only license pursuant to 16-4-105, is \$200.

23 (6) The annual renewal fee for:

24 (a) a brewer producing 20,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and

25 (b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.

26 (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

27 (a) except as provided in this section, for each license outside of incorporated cities and incorporated
28 towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of
29 a nationally chartered veterans' organization and \$400 for all other licensees;

30 (b) except as provided in this section, for each license in incorporated cities with a population of more

1 than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest
2 entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally
3 chartered veterans' organization and \$500 for all other licensees;

4 (c) except as provided in this section, for each license in incorporated cities with a population of more
5 than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest
6 entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally
7 chartered veterans' organization and \$650 for all other licensees;

8 (d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5
9 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest
10 boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other
11 licensees;

12 (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns
13 is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary
14 of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the
15 corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the
16 license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the
17 applicant. When the premises of the applicant to be licensed are situated within an incorporated town or
18 incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license
19 fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.

20 (f) an applicant for the issuance of an original license to be located in areas described in subsections
21 (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that
22 applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee
23 of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal
24 of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fees.

25 (8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.

26 (9) The annual fee for a retail beer and wine license to the Yellowstone airport is \$400.

27 (10) The annual fee for a special beer and table wine license for a nonprofit arts organization under
28 16-4-303 is \$250.

29 ~~(10)~~(11) The license fees provided in this section are exclusive of and in addition to other license fees
30 chargeable in Montana for the sale of alcoholic beverages.

1 ~~(11)~~(12) In addition to other license fees, the department of revenue may require a licensee to pay a late
2 fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's
3 anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month
4 after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal
5 year or 1 year and 2 months after the licensee's anniversary date.

6 ~~(12)~~(13) All license and permit fees collected under this section must be deposited as provided in
7 16-2-108."

8
9 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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